

U.S.A. vs

Herberth Morales-Sosa

No. 08mj0893

The Court finds exigible delay, under the section indicated by number 3/24/08 and ended on 3/28/08 commenced on 3/24/08 and ended on 3/28/08

- 3161(b)
- (1) (A) Exam or hrg for mental or physical incapacity
- (1) (B) NARA examination (29:2902)
- (1) (D) State or Federal trials or other charges pending
- (1) (E) Interlocutory appeals
- (1) (F) Pretrial motions (from sig to hrg at trial or prompt disposal)
- (1) (G) Transfers from other district (per FRCP 20, 21, 22)
- (1) (J) Proceedings under advisement not to exceed thirty days
- Misc proc: Parole or prob rev, deportation, extradition
- (1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
- (1) (I) Consideration by Court of proposed plea agreement
- (2) Prosecution deferred by mutual agreement
- X (3) (A) (B) Unavailability of defendant or essential witness
- (4) Period of mental or physical incompetence of defendant to stand trial
- (5) Period of NARA commitment or treatment
- (6) Superseding indictment and/or new charges
- (7) Defendant awaiting trial of co-defendant when no revelation has been granted
- (8) (A) (B) Continuances granted per (b)(3)-use "I" alone if more than one of the reasons below are given in support of continuance
- (8) (B) (i) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
- 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
- (8) (B) (ii) 2) Case unusual or complex
- (8) (B) (iii) 3) Indictment following arrest cannot be filed in timely manner
- (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare
(Continuance re counsel)
- 3161(i) Time up to withdrawal of guilty plea
- 3161(b) Grand jury indictment time extended thirty (30) more days

Date 3-26-08

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Judge's Initials

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